

EXHIBIT “A”

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
JUAN RIVERA,

Plaintiff,

vs.

HOME DEPOT U.S.A., INC.,

Defendant.
-----X

Index No.:

Date Purchased:

SUMMONS

Plaintiff designates Suffolk
County as the place of trial

The basis of venue is:
Plaintiff's residence


Plaintiff resides at 50 11th
Avenue, Huntington Station,
NY 11746

To the above-named Defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
August 12, 2021

Yours, etc.,


SALVATORE ASARO
WEISER & ASSOCIATES, L.L.P.
Attorneys for Plaintiff:
JUAN RIVERA
150 East 58th Street, 27th Floor
New York, New York 10155
(212) 213-3111

TO:

HOME DEPOT U.S.A., INC.
c/o Corporation Services Company
80 State Street
Albany, NY 12207-2543
(Serve via Secretary of State)

SUPREME COURT OF THE STATE OF NEW YORK
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VERIFIED COMPLAINT

Plaintiff, by his attorneys, **WEISER & ASSOCIATES, L.L.P.**, complaining of the Defendant, respectfully alleges, upon information and belief, as follows:

1. That at all times hereinafter mentioned, plaintiff, JUAN RIVERA, was and still is a resident of the County of Suffolk, State of New York.
2. That at all times hereinafter mentioned, defendant, HOME DEPOT U.S.A., INC., was and is a foreign business corporation authorized to do business in the State of New York.
3. That at all times hereinafter mentioned, defendant, HOME DEPOT U.S.A., INC., owned a retail store located at 65 Crooked Hill Road, Commack, NY 11725.
4. That at all times hereinafter mentioned, defendant, HOME DEPOT U.S.A., INC., supervised, managed, controlled and maintained the aforesaid premises.
5. On July 9, 2020, plaintiff, JUAN RIVERA, was a lawful customer at defendant's retail store located at 65 Crooked Hill Road, Commack, NY 11725.
6. On July 9, 2020, while plaintiff, JUAN RIVERA, was lawfully on the aforesaid premises when a marble countertop fell on him, striking his head and body.

7. That the above-mentioned occurrence, and the results thereof, were caused as a result of the negligence of the defendant, HOME DEPOT U.S.A., INC., in negligently and carelessly stacking marble countertops, creating a danger of same falling and injuring a prospective purchaser.

8. That the above-mentioned occurrence, and the results thereof, were caused as a result of the negligence of the defendant, HOME DEPOT U.S.A., INC., its agents, servants, employees and/or licensees, in the management, supervision, maintenance and control of the aforesaid premises.

9. That the aforementioned occurrence was caused solely and wholly by the negligence of the defendant, HOME DEPOT U.S.A., INC., without any negligence on the part of the plaintiff, JUAN RIVERA, contributing thereto.

10. As a result of the aforementioned occurrence plaintiff, JUAN RIVERA, sustained severe, grievous and permanent injuries; that he has experienced significant pain and suffering and will upon information and belief continue to experience the same for the rest of his life; that he has become and remains disabled from his usual and daily and customary activities; that he has incurred and upon information and belief will continue to incur medical hospital and surgical expenses.

11. That as a result of the foregoing, plaintiff, JUAN RIVERA, has been damaged in the maximum sum permitted by law and the amount of damages sustained herein exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff, JUAN RIVERA, demands judgment against the defendant, HOME DEPOT U.S.A., INC., in a sum that will fairly and adequately compensate him for his injuries sustained, together with the costs and disbursements of this action.

Dated: New York, New York
August 12, 2021

Yours, etc.



SALVATORE ASARO, ESQ.
WEISER & ASSOCIATES, L.L.P.
Attorney(s) for Plaintiff(s):
JUAN RIVERA
150 East 58th Street, 27th Floor
New York, New York 10155
(212) 213-3111

ATTORNEY'S VERIFICATION

SALVATORE ASARO, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at **WEISER & ASSOCIATES, L.L.P.**, attorneys of record for Plaintiff, **JUAN RIVERA**. I have read the annexed

SUMMONS AND VERIFIED COMPLAINT

and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff is that Plaintiff is not presently in the county wherein the attorneys for the plaintiff maintain their offices.

Dated: New York, NY
August 12, 2021



SALVATORE ASARO, ESQ.



NYSCEF Confirmation Notice

Suffolk County Supreme Court

The NYSCEF website has received an electronic filing on 08/17/2021 04:12 PM. Please keep this notice as a confirmation of this filing.

615975/2021

JUAN RIVERA v. HOME DEPOT U.S.A., INC.

Assigned Judge: None Recorded

Documents Received on 08/17/2021 04:12 PM

Doc #	Document Type
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1	SUMMONS + COMPLAINT
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2	STATEMENT OF AUTHORIZATION FOR ELECTRONIC FILING
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Filing User

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Authorized Agent

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E-mail Notifications

An email regarding this filing has been sent to the following on 08/17/2021 04:12 PM:

NICOLE S. WEISER - information@weiserlaw.com

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NYSCEF Confirmation Notice

Suffolk County Supreme Court

615975/2021

JUAN RIVERA v. HOME DEPOT U.S.A., INC.

Assigned Judge: None Recorded

Email Notifications NOT Sent

Role	Party	Attorney
Respondent	HOME DEPOT U.S.A., INC.	No consent on record.

* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

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